

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

WILLIAM OUIMETTE,
Plaintiff,

v.
COUNTY OF LOS ANGELES, and
DOES 1 through 10, inclusive,
Defendants.

Case 2:12-cv-06268-ODW(MRWx)

**ORDER CONTINUING ORDER TO
SHOW CAUSE RE. SETTLEMENT
[103]**

On January 23, 2014, Plaintiff Ouimette notified the Court that they reached a preliminary settlement in this action. (ECF No. 104.) Ouimette states that the parties are in the process of finalizing the settlement papers, which the parties anticipate will take two weeks. Ouimette further indicates that the County needs an additional 6–12 months to receive the County’s approval of the final settlement.

The parties’ request that the Court permit this case tarry on the docket for such a substantial time after reaching a settlement is unreasonable. The Court understands that parties want to protect their legal rights in case the other party breaches the settlement agreement. But breach of a settlement agreement gives rise to a separate claim—one distinct from the underlying merits of this action. *See Sharpe v. F.D.I.C.*, 126 F.3d 1147, 1153 (9th Cir. 1997) (“It is beyond cavil that this failure to perform

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1 the express terms of the settlement agreement is a breach.”). The parties therefore
2 have an adequate, independent remedy to address any potential breach.

3 In any event, the Court **CONTINUES** the Order to Show Cause (ECF No. 103)
4 and **ORDERS** the parties to **SHOW CAUSE** by **Monday, May 5, 2014**, why
5 settlement has not been finalized in this matter. No hearing will be held. The Court
6 will discharge this Order upon a stipulated dismissal or request for voluntary
7 dismissal.

8 **IT IS SO ORDERED.**

9
10 February 3, 2014



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13 **OTIS D. WRIGHT, II**
14 **UNITED STATES DISTRICT JUDGE**